

CASE NO 18-DCR-0152

STATE OF TEXAS

vs.

ZENA COLLINS STEPHENS

§ IN THE COUNTY OF

§

§ 344TH JUDICIAL DISTRICT COURT

§

§ CHAMBERS COUNTY, TEXAS

Patricia Manning Deputy

MOTION FOR DISCOVERY OF EXCULPATORY AND MITIGATING EVIDENCE

COMES NOW, the defendant, **ZENA COLLINS STEPHENS**, by and through the undersigned counsel, and respectfully moves this Court to order the State to disclose all evidence in its possession and in the possession of its agents, which is both favorable to Defendant and material either to guilt or to punishment, including impeachment evidence.

1. Such disclosure is required by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. See Brady v. Maryland, 373 U.S. 83, 87 (1963); see also United States v. Bagley, 473 U.S. 667, 675-78 (1985). Disclosure is also required under the Due Course of Law provisions of Article I, 13 and 19 of the Texas Constitution.

2. Rule 3 09(d) of the Texas Disciplinary Rules of Professional Conduct requires prosecutors to "make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, to disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal ".

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court order the State to disclose all exculpatory and mitigating evidence in its possession.

Respectfully submitted,

/S/Russell Wilson II

Russell Wilson II

State Bar No. 00794870

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ATTORNEY FOR DEFENDANT
DEFENDANT: ZENA COLLINS STEPHENS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of a foregoing pleading has been served on the District Attorney's Office, CHAMBERS COUNTY, TEXAS , in accordance with applicable rules of procedure, on Friday, October 26, 2018.

/S/Russell Wilson II
Russell Wilson II